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8 IN THE UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

11 JOSEPH PADGETT and DARLA PADGETT,
12 Plaintiffs,
13 vs.
14 BRIAN LOVENTHAL, et al.,
15 Defendants.

Case No. C 04 03946 JW

[PROPOSED] **ORDER DENYING
DEFENDANTS BRIAN LOVENTHAL AND
A. CURTIS WRIGHT'S MOTION TO
EXCLUDE PLAINTIFFS' TRIAL
EXHIBITS**

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18 Before this Court is defendants BRIAN LOVENTHAL and A. CURTIS WRIGHT's
19 (hereinafter, collectively "defendants") motion for an order excluding plaintiffs' trial exhibits
20 because plaintiffs refuse to provide copies of the documents they intend to use at trial and
21 apparently intend to submit documents that were not disclosed during discovery.

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At this eleventh hour before the trial, and Plaintiffs having no opportunity to reply to the
charges contained in Defendants' Motion, the Court DENIES the Motion without prejudice to be
renewed. Defendants are invited to bring to the Court's attention any particular objections re:
exhibits at trial.

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Dated: May 1, 2009

James Ware
JAMES WARE
United States District Judge